

10/6/08 - Monday, October 6, 2008

**CITY OF EAU CLAIRE
PLAN COMMISSION MINUTES**

Meeting of October 6, 2008

City Hall, Council Chambers

7:00 p.m.

Members Present: Messrs. Buchanan, Duax, FitzGerald, Kaiser, Kayser, Larson, Pearson, Seymour, Waedt

Staff Present: Messrs. Genskow, Noel, Tufte

The meeting was chaired by Mr. Kaiser.

1. REZONING (Z-1428-08) “ C-3P to R-3P, Jeffers Road, South of W. Shorewood Drive

Darryl Tufte presented the staff report for Arrowhead Properties, LLC, request to rezone property from C-3P to R-3P and to adopt the General Development Plan for multi-family development. The Comprehensive Plan map designates the parcel as commercial. The development proposal consists of 8 and 10-plexes, for a total of 136 units arranged around a private drive with access off Shorewood Drive to the north and Jeffers Road to the west. The policies for review of multi-family development, as per the Comprehensive Plan, were reviewed.

Tim Pabich, 3350 Garfield Avenue, developer of the project, stated the open space is at 19.7% and they would accommodate a recreational facility and a future trail when needed. The units will have fireplaces, individual washers and dryers. He stated they would be willing to redesign the unit setback nearest to the greenhouse fans.

Larry Reit, 4627 Old Wells Road, opposed the project and stated he tried to buy the land for expansion of his commercial greenhouse. He stated in 1994 the City rezoned his property to commercial and the intent was to keep the properties to the east and west as commercial land for development and as buffers to different land uses around. He organized a protest petition and thought future residents would complain about his greenhouse fans and truck traffic.

Kristin Berg, 4903 Jeffers Road, stated she is very concerned about safety for children already living in the area and the additional traffic the development would create. She thought the project should be less dense and Jeffers Road should be urbanized before any development.

John Blelefeldt, 2812 Blakeley Avenue, stated this development would devalue his own property investment.

Gayle Schroeder, 7386 10th Avenue, stated he gave Mr. Reit enough time to make an offer for his land. He provided a letter from Elmer and Marie Kaufman who rescinded their signatures on the protest petition. He said if the land was developed as commercial, there would be more truck traffic coming along Jeffers Road.

Jodi Link, 6978 10th Avenue, stated there will be problems renting the units and is concerned about safety of pedestrians and bicyclists along Jeffers Road. She thought more greenhouses would be a better use for the land.

Darcy Parr, 5129 Jeffers Road, thought the density proposed next to the existing single-family homes is too high.

David Mitchell, 5310 S. Shorewood Drive, thought the land should be developed more as single-family homes.

Dave Mickelson, 2819 Charleston Court, stated the Comprehensive Plan targets this area for urban growth, and the proposal is appropriate based on the existing abutting land uses and roadways. He stated the developer is a quality builder in the City.

David McCampbell, 5316 Shorewood Drive, stated the greenhouses are already noisy, did not want more housing density, and prefers a lower residential or commercial.

David DeRaad, 1202 Stephi Road, was concerned the project would be cheaply built.

Daniel Peterson, 107 Vale Lane, requested sidewalks along Jeffers Road with this development for pedestrians and bicyclists.

Cary Osborn, 3806 Oakwood Hills Parkway, stated the developer builds quality projects.

Mr. Tufte stated the petition is still valid with the two names rescinding.

Commissioners questioned the project meeting the rezoning policies as found in the Comprehensive Plan such as adequate street capacity, transit service, and adjacent compatibility with other land uses. They were also concerned with potential noise-related complaints and safety issues associated with more traffic on Jeffers Road.

Mr. Waedt moved to recommend approval of the rezoning. Mr. Kayser seconded and the motion failed unanimously citing the findings in the staff report.

2. CONDITIONAL USE PERMIT (CZ-0830) “ Dwelling Conversion, 1500 State Street

Mr. Tufte presented the staff report. Cary Osborn of AHMC Asset Management, request is to allow the conversion of a single-family dwelling to 5-plex. The commission postponed this item at its September 2nd meeting so that the Third Ward Neighborhood Association and the applicant could work out a compromise. The neighborhood voted down the 5-plex proposal but applicant said he would revise the plans to a 4-plex.

Stan Carpenter, 409 Summit Avenue, stated the Third Ward Neighborhood got a chance to review the 4-plex plans on October 1st, but decided the density is too high for a long State Street and recommended for only a duplex. He stated the conditional use permit request is not in compliance with the City™s Comprehensive and the neighborhood plans.

Tom Sinkewicz, 1525 State Street, stated the proposal should be consistent with the neighborhood plan and is concerned the area will become dominated by student rentals.

Cathy Attermier, 334 Garfield Avenue, stated what is to stop the owner from having two people live in each bedroom. She was also concerned about the project density.

Catherine Sinkewicz, 1525 State Street, stated she favors a duplex or condominium arrangement, which would offer more stability to the dwelling.

Applicant Cary Osborn, 3806 Oakwood Hills Parkway, stated he wants to preserve the historic Buffington House, but after running the numbers economically, in order to rehab the house and charge reasonable rent, the 4-plex was the best he could compromise. Rents would be at the top of the spectrum so this would hopefully attract renters who would take care of the house. He thought renting it out as a duplex would be a long shot because the house is over 5,000 square feet in size.

Mr. Buchanan moved to amend the September 2nd motion from a 5-plex to a 4-plex. Mr. Pearson seconded and the motion carried.

Some commissioners were concerned with how the project did not meet the Comprehensive Plan, Neighborhood Plan, all of the criteria under the conditional use permit zoning ordinance, and the area becoming too rental heavy.

Commissioners all agreed they were concerned with what would happen to the historic house if nothing were done.

Some commissioners said there is flexibility in the neighborhood plan on how the density issue is interpreted and multi-use would keep the house from disrepair.

Commissioners discussed the merits of requiring more parking for the proposal and that the applicant did not make his purchase of the property contingent zoning approval.

Mr. Buchanan moved to amend the motion to include 13 parking stalls on the site plan, seconded by Mr. Kaiser and the amended carried on a 6 to 3 vote in favor.

Mr. Buchanan moved approval of the 4-plex. Mr. Pearson seconded and the motion failed on a vote of 6 to 3 against the project citing findings in the staff report and neighborhood plan.

3. CONDITIONAL USE PERMIT (CZ-0837) “ Garage, 301 Hewitt Street

Ned Noel presented the staff report for a request by Wayne Henning to allow a detached garage in excess of height and size accessory use standards at 301 Hewitt Street. The proposed location will not affect other adjacent properties negatively and the applicant would like to construct a temporary driveway out of gravel.

Wayne Henning, 301 Hewitt Street, spoke on behalf of the project and asked for a couple of years for deferring the hard surface requirement.

Mr. Duax moved approval with the conditions listed in the staff report and adding that the hard surface waiver is valid for one year. Mr. Kayser seconded and the motion carried.

4. CONDITIONAL USE PERMIT (CZ-0838) “ Tavern Patio, 2007 Third Street

Mr. Noel presented the staff report for the Last Chance Bar™s request to allow an outdoor patio dining area for a bar in a C-2 district. The patio would be enclosed by a privacy fence and be 27 feet away from the north property line where a single-family home is located.

Applicant, John Hess, 3070 Rosewood Lane, stated he could provide a privacy fence that would lessen the noise that might affect the neighbor to the north.

Greg Pecha, 440 Hewitt Street, owns the single-family property to the north and stated he is fine with the proposal but wants to work with the applicant so that noise issues do not become a serious problem.

Mr. Duax moved approval adding the applicant construct an appropriate sound barrier along the north property line and other conditions as listed in the staff report. Mr. FitzGerald seconded and the motion carried.

5. CONDITIONAL USE PERMIT (CZ-0839) “ Restaurant in I-1 District, 320 Putnam Street

Mr. Kaiser left the meeting. Mr. Kayser chaired this item.

Mr. Noel presented the staff report to allow a restaurant in an I-1 district as submitted by applicant, The Community Table, Inc. The applicant needs to move from the City-owned Park™s building and would like to be located downtown and along a bus route. The proposal would offer meals and hospitality to people seeking these services and as a way to generate income, the Community Table would like to set up a kitchen-incubator business opportunity inside the building.

Nadine Jentzsch, 1740 Drummond Street, stated the organization serve about a 5% increase each year, serving about 100 people a day. They needed to find a new location and this industrial building fits their interests well. She estimated they would need 15 cars for their employees and others arriving by car. About 60% of the people walk and others arrive by bus or taxi, so their parking needs are not very large.

Jack Kaiser, Cigan Properties at 323 N. Dewey Street, stated the building Community Table rents lends itself well to food operations and there are extra parking lots nearby if there are additional needed stalls.

Mr. Buchanan moved approval, adding that a parking plan be submitted for administrative approval, along with the other conditions listed in the staff report. Mr. FitzGerald seconded and the motion carried.

Mr. Kaiser returned to the meeting.

6. ANNEXATION (08-7A) “ 2809 Preston Road, Town of Union

Mr. Tufte presented the applicant, Marion Short, requests to annex a single-family property from the Town of Union into the City. The parcel is in the urban sewer service area and water will be petitioned in by 2009. The applicant would like to hook up water service at that time.

No one spoke in opposition of the project.

Mr. FitzGerald moved to recommend approval of the annexation. Mr. Larson seconded and the motion carried.

7. FINAL PLAT (P-7-03 AMD. #5) “ Thistledown Subdivision, Town of Washington

Mr. Tufte presented the staff report to approve an amendment to the final plat for Thistledown Subdivision to modify building envelopes for a future potential lot split. The general location of the project is north of CTH II, east of Hwy. 93, Town of Washington.

The applicant, Mike Marthaler, 5947 Graff Road, spoke in support of the project.

Mr. FitzGerald moved to recommend approval of the final plat amendment. Mr. Kayser seconded and the motion carried.

8. FINAL PLAT (P-2-08) “ Milestone Senior Living Condominium Phase II

Mr. Tufte presented the staff report for a request to approve the four building final condo plat for Milestone Senior Living Condominium Phase II as submitted by applicant, RHS Companies, Inc. The location of the project is on the south side of STH æ312, west of Mill Run Road. The plat is consistent with the preliminary plat. Association by-laws have been approved by the City Attorney.

No one spoke in opposition.

Mr. FitzGerald moved to recommend approval of the final plat. Mr. Buchanan seconded and the motion carried.

9. SITE PLAN (SP-0837) “ Parking Lot, Luther Hospital, Bellinger Street

Mr. Tufte presented the staff report request by Ayres Associates to approve a site plan for a 19-stall parking lot and allow an encroachment in the public right-of-way. The location of the project is the northwest corner of Bellinger Street and Randall Street. All planning and engineering conditions were noted in the staff report.

Disa Wahlstrand, Ayres Associates, 3433 Oakwood Hills Parkway, stated they will meet staff™s required conditions.

Commissioners commended Ayres Associates on their parking lot designs for Luther Hospital.

Mr. FitzGerald moved approval with the conditions listed in the staff report. Mr. Kasyer seconded and the motion carried. Mr. Pearson abstained.

10. DISCUSSION/DIRECTION

A. Land Disturbance “ Environmentally Sensitive Areas

Mr. Tufte presented the proposed interim ordinance for commission™s consideration until a more complete ordinance can be created. The ordinance would not allow land disturbance, clearance or grading on wetlands, in floodplains, or on steep slopes of 20% of greater without prior approval from the City.

The commissioners favored the interim ordinance and asked to bring it back for public hearings.

B. Five Minute Rule at Hearings

Mr. Buchanan asked the commission to institute a rule during controversial items so speakers would be limited to 5 minutes. The rule would only apply during hearings and would have the benefit of allowing the meeting to be run more smoothly and giving everyone the opportunity to speak.

C. Comprehensive Plan “ Sustainability Amendment

Mr. Tuft presented an update on the last meeting and on future meetings.

D. Code Compliance Items

Mr. FitzGerald asked staff to look into green space requirements for Chippewa Valley Technical College™s parking lot.

E. Future Agenda Items

None.

11. MINUTES

The minutes of the meeting of September 15, 2008, were approved.

Fred Waedt
Secretary